

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
COURT
TEXAS
FILED
MAR 31 2008
CLERK, U.S. DISTRICT COURT
By _____ Deputy

§ § § § §

2:03-CV-00039
****Capital Litigant****

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Respondent.

On December 21, 2007, Petitioner John Lezell Balentine, filed his objections to the report and recommendation of the United States Magistrate Judge. (Doc. #56.) On March 4, 2008, Respondent filed his response in opposition to these objections. (Doc. #62) The above-entitled matter having come before this Court on consideration of said objections and motions, and following a de novo review of Petitioner's Amended Petition for Writ of Habeas Corpus and related papers filed in this cause, it is the opinion of the Court that such objections and motions should be denied in all respects. The Court further finds that the findings and conclusions of the Magistrate Judge are correct and they are adopted as the findings and conclusions of the Court.

IT IS, THEREFORE, ORDERED that petitioner Balentine's objections to the report and recommendation of the United States Magistrate Judge (doc. #56) be, and they are, in all things hereby **OVERRULED** and **DENIED**, and that petitioner Balentine's motion for evidentiary hearing be, and it is, hereby **DENIED**.

IT IS, FURTHER, ORDERED that the report and recommendation of the United States Magistrate Judge to deny the petition for a writ of habeas corpus (doc. #53) be, and they are, in all things hereby **ADOPTED** as the findings and conclusions of the Court.

By separate order, this Court has also denied the *Motion for Stay and Abeyance* (doc. #57) which was also made in the alternative in the instrument containing Petitioner's objections.

Signed on this the 31st day of March, 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE